

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GARY HENRY,

Plaintiff,

v.

AIM CHASSIS, LLC., *et al.*,

Defendants.

Case No. 2:25-cv-00462-MMD-NJK

Order

[Docket Nos. 25, 27]

Pending before the Court is Plaintiff's renewed motion to file a second amended complaint, Docket No. 25, which is **GRANTED**.¹ Plaintiff must promptly file the second amended complaint.

Also pending before the Court is Plaintiff's *ex parte* motion to extend time to serve the second amended complaint.² Docket No. 27. Service of process must generally be completed within 90 days. Fed. R. Civ. P. 4(m). The Court must extend that deadline upon a showing of good cause and has discretion to extend the deadline even in the absence of good cause. *See id.* Service on individuals in foreign countries is generally not subject to the Rule 4(m) deadline. *See id.* (excluding service effectuated pursuant to Rule 4(f)); *see also Lucas v. Natoli*, 936 F.2d 432, 432 (9th Cir. 1991) (addressing predecessor version of Rule 4(m)). Nonetheless, courts possess inherent authority to set a deadline for foreign service. *Inst. of Cetacean Rsch. v. Sea Shepherd Conserv. Soc'y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015) (collecting cases).

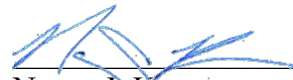
¹ It is within a magistrate judge's authority to grant leave to amend. *Underwood v. O'Reilly Auto Enterps., LLC*, 342 F.R.D. 338, 342 n.2 (D. Nev. 2022) (collecting cases).

² The motion was filed on an *ex parte* basis without any showing as to why the Court should resolve the motion without affording notice and an opportunity to respond to the opposing party, especially when there no defendants who have appeared. *See* Local Rule IA 7-2(b); *see also* Docket No. 20 (dismissing Defendant Aim Chassis, LLC without prejudice). The Clerk is **INSTRUCTED** to remove the *ex parte* designation from Plaintiff's motion.

1 Plaintiff submits that Defendant China International Marine Containers and Defendant
2 Evergreen International, S.A., are foreign corporations and are being served through the Hague
3 Convention. Docket No. 27 at 2. Plaintiff submits that he has hired an international service which
4 specializes in service abroad of judicial documents. *Id.* at 2-3. Given the circumstances, the
5 motion to extend time is **GRANTED**. Docket No. 27. The new deadline to complete service is
6 **SET** for September 29, 2025.

7 IT IS SO ORDERED.

8 Dated: June 16, 2025

9
10 
11 Nancy J. Koppe
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28